

REMARKS

Claims 1-86 were originally pending in the application. Claims 1-14, 35-40, 48-50, 59-63, and 78-86 are allowed. Claims 15-19, 22-34, 41, 45-47, 51, 52, 57, 58, 67, 68, and 73-75 are rejected. Claims 20, 21, 42-44, 53-56, 64-66, 69-72, 76, and 77 are objected to. Claims 15, 21, 22, 24, 27, 41, 46, 53, 64, 68, and 70 have been amended. Claims 19, 20, 29-34, 42, 51, 52, 54, 58, 67, and 69 have been cancelled. Claims 1-18, 21-28, 35-41, 43-50, 53, 55-57, 59-66, 68, and 70-86 are now pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the following remarks.

I. Telephone Interview

Applicant wishes to thank Examiner Joyce for his time and courtesy in conducting the telephone interview on December 15, 2004. During the interview Applicant and Examiner discussed pending claim 67, which Applicant agreed to cancel.

Applicant also inquired as to the notation in the Office Action Summary that claims 69-72 were objected to, yet did not appear in Paragraph 7 of the Office Action as containing allowable subject matter. Applicant was informed that claims 69-72 were not identified as containing allowable subject matter in the Office Action because the corresponding dependent claim 68 was rejected under 35 USC 112. However, the Examiner informed Applicant that claims 69-72 would contain allowable subject matter if corresponding independent claim 68 was amended to overcome the 112 rejection.

II. Claim Rejections - 35 USC 112

Claims 15-18, 51, 19, and 68 are rejected under 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In particular, claim 15 is said to be misdescriptive because the latch mechanism is not movably connected to the blade. Claim 15 has been amended to remove the language reciting that the latch member is movably connected to the blade, and now accurately recites that the latch member includes a plate that is connected to the blade (See Fig. 1). Accordingly withdrawal of the rejection of claim 15 and corresponding dependent claims 16-19 under 35 USC 112 is respectfully requested. Claim 51 has been cancelled, thereby obviating the rejection of claim 51 under 35 USC 112.

Claim 67 is also mentioned as having insufficient structure present to support the function “and further causes ... members to engage”. Claim 67 has been cancelled, thereby obviating the rejection of this claim under 35 USC 112.

Claim 68 is said to be misdescriptive because the latch mechanism is not connected to the blade. Applicant has amended claim 68 to remove the “movably connected to the blade” recitation, thereby overcoming the rejection under 35 USC 112.

Applicant thus asserts that all claim rejections under 35 USC 112 have been overcome.

III. Claim Rejections - 35 USC 102

Claims 15-18, 28-30, 58, 31-34, 51, 19, 22, 24-27, 52, 57, 67, 68, and 73-75 are rejected under 35 USC 102 as being anticipated by Hill.

Claim 15 has been amended to incorporate the subject matter of claims 19, 54, and 20. Claim 20 (which depended from claims 54, 19, and 15) has been found to contain allowable subject matter, as noted in Paragraph 7 of the Office Action. Furthermore, as noted above, claim 15 has been amended to overcome the rejection under 35 USC 112. Accordingly, formal allowance of claim 15 is respectfully requested. Applicant further asserts the allowability of claim 15 as providing sufficient basis for the allowance of corresponding dependent claims 16-18, 22, 24-28, and 57. Dependent claims 19, 51, and 52 have been cancelled, thereby obviating the rejection of claim 15 under 35 USC 102.

Claims 29-34 and 58 have been cancelled, thereby obviating the rejection of these claims under 35 USC 102.

Claim 67 has been cancelled, thereby obviating the rejection of this claim under 35 USC 102.

Claim 68 has been amended to incorporate the limitations of dependent claim 69 (now cancelled), which was identified in the Office Action Summary as being objected to, and which the Examiner informed Applicant would be allowable if claim 68 was amended to overcome the rejection under 35 USC 112. Because Applicant has amended claim 68 to overcome the 112 rejection, Applicant asserts that the incorporation of the limitations of dependent claim 69 into claim 68 overcomes the rejection of claim 68 under 35 USC 102. Formal allowance of claim 68 is therefore respectfully requested.

IV. Claim Rejections – 35 USC 103

Claims 23, 41, and 45-47 are rejected under 35 USC 103 as being unpatentable over Hill in view of Van Becelaere.

Claim 23 depends from claim 22 which, in turn, depends from independent claim 15 which has been shown above to be allowable. Withdrawal of the rejection of claim 23 under 35 USC 103 is therefore respectfully requested.

Claim 41 has been amended to incorporate the limitations of cancelled dependent claim 42, which was found to contain allowable subject matter. Accordingly, withdrawal of the rejection of independent claim 41 and corresponding dependent claims 45-47 under 35 USC 103 is respectfully requested.

V. Allowable Subject Matter

Applicant notes with appreciation that claims 1-14, 35-40, 48-50, 59-63, and 78-86 have been allowed.

Applicant further notes with appreciation that claims 20, 21, 42-44, 53-56, 64-66, 76, and 77 are objected to as dependent upon a rejected base claim, but are identified as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As noted above, the subject matter of claim 20 has incorporated into independent claim 15. Claim 20 has been cancelled. Accordingly, formal allowance of independent claim 15 and corresponding dependent claim 21 is respectfully requested.

Furthermore, as noted above, the subject matter of claim 42 has incorporated into independent claim 41. Claim 42 has been cancelled. Accordingly, formal allowance of independent claim 41 and corresponding dependent claims 43, 44, and 64-66 is respectfully requested.

Dependent claim 53 has been written in independent form incorporating the limitations from previously presented claims 15, 51, and 52. Claims 51 and 52 have been cancelled. Accordingly, formal allowance of independent claim 53 and corresponding dependent claims 54-56 is respectfully requested.

VI. Additional Claim Amendments for the Purposes of Form and Clarity

Applicant has amended claims 21, 22, 24, and 27 for the purposes of proper dependency in light of the cancellation of claims 19 and 20.

Applicant has also amended claim 70 for the purposes of proper dependency in light of the cancellation of claim 69.

Applicant has further amended claims 46 and 64 for the purposes of proper dependency in light of the cancellation of claim 42.

VII. Conclusion

Applicant therefore respectfully asserts that all rejections and objections cited by the Examiner have been overcome. Accordingly, the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

No fees are believed to be due for the filing of this communication. If any fees are deemed due for this or any other communication, Applicant hereby authorizes the Commissioner to charge said fees due for this or any other communication to deposit account No. 17-0055. The Examiner is invited to contact the undersigned at the telephone number appearing below if such would advance the prosecution of this application.

Respectfully submitted,

Eugene J. Heil

By: 

Adam J. Forman

Reg. No. 46,707

Attorney for Applicant

Quarles & Brady

411 E. Wisconsin Avenue, Suite 2040

Milwaukee WI 53202-4497

(414) 277-5405

MKE\5672365